

3961. Misbranding of "Kalamazoo Celery and Sarsaparilla Compound," and "Quality Damiana Compound." U. S. v. The Quality Drug Stores Co. Plea of guilty. Fine, \$100. (F. & D. No. 5856. I. S. Nos. 9595-e, 9597-e.)

On December 17, 1914, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Quality Drug Stores Co., a corporation, Kalamazoo, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 28, 1913, from the State of Michigan into the State of Tennessee, of quantities of so-called "Kalamazoo Celery and Sarsaparilla Compound" and "Quality Damiana Compound," which were misbranded. The first-named product was labeled: (On carton) "Kalamazoo Celery and Sarsaparilla Compound, Alcohol 8% Made in Kalamazoo In addition to Celery Seed from Which the Medicinal Qualities of Celery are Obtained, this Preparation Contains Sarsaparilla, Cascara Sagrada, Buckthorn, Stillingia, Black Haw, Senna, Burdock, Catnip, Gentian, Iodide of Potassium, etc., No. 1267. Guaranteed by the P. L. Abbey Co. under the Food and Drugs Act, June 30, 1906. Price \$1.00 Manufactured by The P. L. Abbey Co. Kalamazoo, Mich." "The Land of Celery" "Kalamazoo Celery and Sarsaparilla Compound" "Kalamazoo Celery and Sarsaparilla Compound Purifies the Blood, Quiets the Nerves, Regulates the Liver, Renovates the Kidneys, and relieves Stomach Disorders and Nervous Diseases. Date of Sale * * * Guarantee. The bearer of this carton is entitled to return to this store within 15 days from date the within bottle of Kalamazoo Celery and Sarsaparilla Compound, if medicine is not over two-thirds used and purchaser says he or she has received no benefit, we will return to the purchaser the amount paid for it. * * * Druggist. Customer fills out blank space below to secure return of money: I used Kalamazoo Celery and Sarsaparilla Compound in accordance with directions for * * * I received no benefit whatever from its use; it was in no way satisfactory to me. Signature * * * Postoffice * * * Date returned * * * It is not expected that Kalamazoo Celery and Sarsaparilla Compound will cure old and deep seated diseases of long standing in 15 days, but we think customer will be able to see some improvement in that time, and in case he does, the supposition is that medicine is satisfactory. It has been proven that Kalamazoo Celery and Sarsaparilla Compound is one of the best general remedies on the market, and for that reason we issue this guarantee, believing the public will use us fair as we are trying to use them. Kalamazoo Celery and Sarsaparilla Compound." (On bottle) "Kalamazoo Celery and Sarsaparilla Compound Cures Biliousness, Constipation, Indigestion, Dyspepsia, Fever and Ague, Rheumatism, Kidney and Liver Complaints, Blood Disorders, Diseases of the Urinary Organs, and all forms of Nervousness, Headache and Neuralgia. Also positive cure for Female Complaints and Diseases arising from an impure state of the Blood. It is a valuable Tonic, reviving the energies and faculties, which makes it one of the best medicines for aged people. Directions For adults, from one to two teaspoonfuls four times a day, before meals and at bedtime. Children in proportion. In severe cases of Neuralgia and Rheumatism, increase the dose; and in obstinate cases of diseases complicated with scrofula, add $\frac{1}{8}$ ounce of Iodide of Potassium to each bottle. Shake Bottle Before Using. Price, 50 Cents. The P. L. Abbey Co. Kalamazoo, Mich."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results: Alcohol, trace; potassium iodid, absent; sodium salicylate, present; glycerin, indicated; gentian, indicated; wild cherry, indicated; cascara sagrada, indicated; emodin, present; ash (per cent), 0.24; organic matter, by difference (per cent), 3.55; an aqueous solution of glycerin, vegetable matters (apparently gentian, wild cherry, and cascara sagrada), and sodium salicylate.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On bottle) "Cures * * * Fever and Ague, * * *,"

and all forms of Nervousness, Headache and Neuralgia. Also positive cure for Female Complaints * * *," were false and fraudulent, in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the cure of fever and ague and all forms of nervousness, headache, and neuralgia, and effective for the cure of female complaints, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the cure of fever and ague, or all forms of nervousness, headache, and neuralgia, or effective for the cure of female complaints. Misbranding was alleged for the further reason that the following statement, appearing on the label of the carton aforesaid, to wit, "This preparation contains * * * iodide of potassium," was false and misleading in that it was intended thereby to indicate to purchasers thereof that said article of drugs contained iodide of potassium when, in fact, the said article did not contain any iodide of potassium.

The so-called "Quality Damiana Compound" was labeled: (On bottle) "Quality in medicines is of great importance. Quality Damiana Compound 25% Alcohol. This preparation is an infallible remedy for General Nervousness and all forms of Debility of the Reproductive Organs. Dose, one to two teaspoonfuls after meals and at bed time. No. 1267. Guaranteed by the P. L. Abbey Co. under the Food and Drugs Act, June 30, 1906. The P. L. Abbey Co., Kalamazoo, Mich."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Alcohol (per cent by volume), 12.57; glucose (per cent), 35.89; iron, present; iodids, absent; damiana, indicated; phosphates, present; ash (per cent), 0.94; vegetable matter by difference (per cent), 1.36; a hydroalcoholic solution of glucose and vegetable matter resembling damiana, horehound and boneset.

Misbranding of this product was alleged in the information for the reason that the following statement, regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "This preparation is an infallible remedy for * * * all forms of Debility of the Reproductive Organs," was false and fraudulent, in that the same was applied to the said article knowingly and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective as an infallible remedy for all forms of debility of the reproductive organs, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as an infallible remedy for all forms of debility of the reproductive organs. Misbranding was alleged for the further reason that the following statement, appearing on the label of the bottle, to wit, "25% alcohol," was false and misleading, in that it indicated to the purchasers thereof that the said article of drugs contained 25 per cent of alcohol, when, in fact, it contained a less amount of alcohol, to wit, 12.57 per cent.

On January 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 on each count of the information, or a total fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.